

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CHAVEZ KNUCKLES,

Civil Action File No.

Plaintiff,

v.

WAL-MART, INC., WAL-MART  
STORES EAST, LP, NATASHA GREY,  
JOHN DOES I, II, and III

Defendants.

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**NOTICE OF REMOVAL**

COMES NOW WAL-MART, INC., WAL-MART STORES EAST, LP and NATASHA GREY (erroneously named) named Defendants in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendants in the State Court of Clayton County, Georgia, which is within the ATLANTA Division of this Court 28 U.S.C.A. § 90 (a)(2). Plaintiff's claim against Defendants includes claims of negligence.

2.

Plaintiff filed the Complaint on or about December 14, 2021. Defendants received service of summons and copies of the Complaint and filed their answer on January 20, 2022.

3.

Defendants received Plaintiff's Answers to Defendants' First Interrogatories and Responses to Request for Production of Documents dated March 11, 2022. In response to Interrogatory #1, Plaintiff alleges \$64,010.23 in medical expenses including two providers whose information would be supplemented. Defendants have attached as Exhibit "A," Plaintiff's Responses to Defendants' First Interrogatories and Request for Production. Defendants file this Notice of Removal within thirty (30) days after the receipt of the March 11, 2022 discovery from which it was first ascertained that the case became removable. 28 USC § 1446.

4.

Defendant WAL-MART, INC. is a Delaware corporation with its principal place of business in the State of Arkansas. Defendant Wal-Mart, Inc. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter.

5.

Defendant WAL-MART STORES EAST, LP is a Delaware limited partnership, of which WSE Management, LLC is the only general partner, and WSE Investment, LLC is the only limited partner. The sole member of WSE Management, LLC and of WSE Investment, LLC is Wal-Mart Stores East, LLC, and the sole member of Wal-Mart Stores East, LLC is Walmart Inc. Walmart Inc. is a Delaware corporation with its principal place of business in the State of Arkansas, and it was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit or at any time thereafter.

6.

NATASHA GREY is not a proper party. At no time has or was Ms. Grey been the Store Manager at Walmart Store #3609 located in Ellenwood, Georgia. Please see attached as Exhibit "B", Affidavit of Natasha Grey. Defendant Grey should be dismissed from this matter.

7.

Chavez Knuckles is a citizen of Georgia.

8.

Complete diversity of citizenship exists between Plaintiff and Defendants.

9.

Plaintiff Chavez Knuckles claims she suffered injuries to her pelvis/cervix area, right hip, right knee, left shoulder, neck, and back as a result of this incident. Plaintiff has received physical therapy, therapeutic medication, cervical epidural steroid injections. Plaintiff claims damages for past, current, and future pain and suffering. Plaintiff also claims lost wages at a too be supplemented amount. The amount in controversy, exclusive of interest and costs, exceeds \$75,000. See Exhibit "A" Plaintiff's Responses to Defendants' First Interrogatories and Request for Production.

10.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendants.

11.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendants have attached as Exhibit "C" copies of all the pleadings that were provided to and served upon Defendants, including copies of all pleadings that have been filed to date in the State Court of Clayton County, Georgia for the above-styled case.

12.

Pursuant to 28 U.S.C. § 1446, Defendants are not required to file a removal bond.

13.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

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A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Clayton County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendants pray that the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett

Georgia Bar No. 578190

Attorney for Defendants

The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the fonts and point selections approved by the court in LR 5.1B.

/s/ Mark L. Pickett

Mark L. Pickett

**CERTIFICATE OF SERVICE**

This is to certify that on April 5, 2022, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett

Georgia Bar No. 578190

Attorney for Defendants

3445 Peachtree Road, N.E., Suite 500  
Atlanta GA 30326-3240  
(404) 365-4516  
mpickett@mmatllegal.com